A JOINT RESOLUTION OF THE CITY AND REDEVELOPMENT AGENCY OF _____AUTHORIZING THE CITY ATTORNEY/REDEVELOPMENT AGENCY GENERAL COUNSEL TO COOPERATE WITH THE CALIFORNIA REDEVELOPMENT ASSOCIATION, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF REDEVELOPMENT FUNDS

WHEREAS, since the early 1990s the state government has seized $ 1.04 billion of redevelopment tax increment statewide, and the Governor and Legislature are now considering seizing $350 million each year for three years, beginning in fiscal year 2008-09; and

WHEREAS, on April 30, 2009, in the case of *CRA v. Genest*, the Sacramento Superior Court found similar efforts by the State to seize redevelopment tax increment for the state general fund to be in direct violation of Article XVI, Section 16 of the State Constitution, added by the voters in 1952 as Proposition 18, which requires that tax increment be used exclusively for the benefit of redevelopment project areas.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY BOARD OF THE CITY OF _____ hereby direct the City Attorney/Redevelopment Agency General Counsel to take all necessary steps to cooperate with the California Redevelopment Association, other cities, counties and redevelopment agencies in supporting litigation against the state of California if the Legislature enacts and the Governor signs into law legislation that unconstitutionally diverts redevelopment tax increment; and

RESOLVED FURTHER, that the city manager/agency executive director or clerk shall send this resolution with an accompanying letter from the mayor/agency chair to the Governor and each of the City's state legislators, informing them in the clearest of terms of the City's adamant resolve to oppose any effort to frustrate the will of the electorate as expressed in Article XVI, section 16 of the California Constitution concerning the proper use and allocation of redevelopment tax increment; and

RESOLVED FURTHER, that a copy of this Resolution shall be sent by the city manager/agency executive director or clerk to the California Redevelopment Association, the local chamber of commerce, and other community groups whose members are affected by this proposal to divert redevelopment funds from vital local projects.

ADOPTED this _____ day of _____, 2009.